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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,922	04/26/2000	John Albert Kembel	10351-0004	1665

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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/05/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/558,922

Applicant(s)

KEMBEL ET AL.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Arlach et al. (D'Arlach), U.S. Patent No. 6,026,433.

4. As to claims 7 and 11, D'Arlach discloses a method of hosting Internet content, comprising:

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permitting access to a database containing a plurality of definitions, where said plurality of definitions define a frame and a location of content with which to fill in said frame (col. 5, lines 1-25, Fig. 4, and col. 7, lines 11-25);

receiving instructions to modify a selected definition of said plurality of definition (col. 5, line 66 – col. 6, line 43); and

modifying said selected definition to create a new selected definition (col. 5, line 66 – col. 6, line 43).

5. As to claim 8, D'Arlach discloses a method for hosting Internet content, comprising:

requesting an empty definition from a database, where said empty definition defines a basic frame which is capable of being filled with content (col. 4, lines 29-51);

receiving said empty definition from said database (col. 5, lines 34-46);

modifying said empty definition to a desired form, including supplying a location of content with which to fill in said frame (col. 6, lines 1-20); and

transmitting said modified definition to said database (col. 6, lines 1-20).

6. As to claim 9, D'Arlach discloses the step of publishing said definition to facilitate the downloading of said definition (col. 5, lines 1-25).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann, U.S. Patent No. 5,995,756, and further in view of Prithviraj et al. (Prithviraj), U.S. Patent No. 5,987,513.

9. As to claims 1 and 10, Herrmann discloses a method of hosting Internet content, comprising:

receiving an address of a definition from a computing device (col. 11, lines 11-25);

locating said definition in a database utilizing said address (col. 11, lines 11-25);
and

transmitting said definition to said computing device (col. 11, lines 11-25).

However, Herrmann does not disclose wherein said definition defines a frame and a location of content with which to fill in said frame. In the same field of endeavor, Prithviraj discloses designer specifies network management actions in page-specification documents, and then translates the page-specifications into hypertext documents and templates (definitions) including dynamic fields, which store data dynamically retrieved from the network (col. 11, lines 35-65 and Fig. 5). Since Prithviraj teaches a network management system which enables a user to manage a network using browsers available on remote computer systems, which is similar to system for internet-based delivery of computer applications of Herrmann, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Herrmann and Prithviraj to include definitions defines a frame and a location of content with which to fill in said frame. Prithviraj suggests template documents used for display of data dynamically retrieved from the network elements.

10. As to claim 2, Herrmann and Prithviraj (Herrmann-Prithviraj) disclose the steps of receiving a modification of said definition from said computing device and storing said modification in said database (Prithviraj, col. 3, lines 49-57 and col. 24, lines 29-60).

11. As to claim 3, Herrmann-Prithviraj disclose the step of publishing said definition so that said definition is capable of being downloaded to said computing device (Prithviraj, col. 11, line 35 – col. 12, line 28 and Fig. 5).

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12. As to claim 4, Herrmann-Prithviraj disclose the step of delivering a set of instructions to said client computer comprising:

instructions for requesting content from another computing device (Prithviraj, col. 13, lines 5-12);

instructions for generating a frame (Prithviraj, col. 15, lines 27-40); and

instructions for filling said frame with said requested content, where said instructions utilize said received definition ((Prithviraj, col. 13, lines 14-26).

13. As to claim 5, Herrmann-Prithviraj disclose the steps of creating a share file containing at least one of said definition; and delivering said share file to another computing device (Prithviraj, col. 11, line 35 – col. 12, line 28).

14. As to claim 6, Herrmann-Prithviraj disclose wherein said receiving step includes the step of receiving an address of a definition specifying complete attributes of said frame and a uniform resource locator pointing to a location at which content resides for positioning within said frame (Herrmann, col. 11, lines 11-25).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

The fax phone numbers for the organization where this application is assigned are as follows:

(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240 (for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

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Art Unit 2142

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703.308.6750